

# USDA Labor Management Forum

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April 22, 2015 Minutes

## I. ADMINISTRATIVE ITEMS

The USDA Labor-Management Forum (LMF) Meeting was called to order at 1:03 p.m.

### Member Roll Call:

Labor and Designated Alternates:	Management and Designated Alternates:
Chris Ketner, AFSCME, Labor Co-chair	Bryan Knowles, DM, Management Co-Chair
Chris Berry, NFFE	William P. Milton, Jr., CHCO, DM
Johanna Eckley, NTEU	Steve Placek, NAD
Dave Mergen, AFSA	Marilyn Holland, APHIS
Sarah Rehberg, NAAE	Edna Primrose, RD
Melissa Baumann, NFFE	Mark Rucker, FFAS
Patrick Wicklund, AFSCME	Dan Kline, DM
Ryan Eagleson, AFSCME	Adrian Lindsey, DM
	Kathy Hall, REE

**Other Attendees:** Chris Nelson-OBPA, Roger Kodat-NAPA, Jon Tucker-NAPA, Edwin Cierpial-OHRM, Curtis Wilburn-OO, Chris Jones-OHRM, Allen Hatcher-OHRM, James Brent-OHRM, Robyn Ford-FNS, Sanita Simons-FSIS, Anika Patterson-OASCR, Kathy Ward-OHRM, Frank King-APHIS, Neha Hewitt-OGC,

**Note Taker(s):** Adrian Lindsey and Myron Greenhow

## II. DISCUSSION

**Introduction:** The Employee and Labor Relations Director **Bryan Knowles**, also USDA LMF Management Co-chair, called the meeting to order. All participants introduced themselves. **Knowles** made a motion to accept the minutes of the February 4, 2015 USDA LMF Meeting; **Chris Ketner**, Labor Co-chair, seconded the motion.

**Reorganization of USDA's International Trade Functions:** **Knowles** introduced OBPA's **Chris Nelson**, who proceeded to remind the Labor-Management Forum (hereafter, LMF or Forum) of the provision within the 2014 Farm Bill which directed the Secretary to "propose a reorganization of international trade functions for imports and exports of the Department of Agriculture (USDA)." The Act states that the proposal should "include a plan for the

establishment of an Under Secretary (U/S) of Agriculture for Trade and Foreign Agricultural Affairs.” A consideration in producing this proposal is that the Under Secretary “would serve as a multiagency coordinator of sanitary and phytosanitary issues and non-tariff barriers in agriculture with respect to imports and exports of agricultural products.”

To fulfill this directive, the Department has engaged the National Academy of Public Administration (NAPA) to fulfill the following tasks:

- Evaluate the issues that the reorganization is intended to address;
- Identify the most feasible options for how USDA could structure and organize the U/S for Trade and Foreign Agricultural Affairs position, including its underlying offices and responsibilities;
- Identify the issues and challenges of creating such a position under the most feasible options;
- Identify issues and challenges likely to occur in implementation; and
- Issues recommendations for how this organization should be established within USDA and an implementation roadmap.

**Nelson** introduced the National Academy of Public Administration Representatives, Senior Research Analysts **Jon Tucker** and Project Director **Roger Kodat**. **Nelson** noted there are currently seven (7) Under Secretaries within USDA, a question remains if an 8<sup>th</sup> is needed or if there is some way of rolling this responsibility among seven Under Secretaries versus eight. **Nelson** offered the idea of establishing a taskforce if folks around the table and on the phone agree. He acknowledged that USDA performs a myriad of activities, and this is what NAPA will be looking at in effort to define the scope and laying out some of the issues. At this point **Nelson** turned the presentation over to **Kodat**. **Kodat** informed the Forum that the National Academy of Public Administration is a non-profit, independent organization of top public management and organizational leaders who tackle the nation’s most critical and complex public management challenges. With a network of more than 800 distinguished Fellows and an experienced professional staff, the National Academy is uniquely qualified and trusted across government to provide objective advice and practical solutions based on systematic research and expert analysis.

*[Established in 1967 and chartered by Congress in 1984, the National Academy continues to make a positive impact by helping federal, state and local governments respond effectively to current circumstances and changing conditions; to learn more about the National Academy and its work, use the following hyperlink: [www.NAPAwash.org](http://www.NAPAwash.org).]*

**Kodat** thanked **Nelson** and expressed to the Forum they (NAPA) is very interested in your comments. He shared the report being developed by a panel of five overseeing the work will be provided to the Secretary upon completion. The panel is working closely with the Acting Chief Economist **Robert Johansson**. NAPA was awarded the work on March 9, 2015 and the project will conclude on October 9, 2015. It is our intent to recommend a reorganization plan from the subcabinet level on down. We are interested in how the Under Secretary position might be

established. To accomplish this, we are speaking with employees at all levels. We understand the impact this may have on you. After we provide the report, it will be up to the Secretary to determine the path forward. Our first preliminary report will be due July 9<sup>th</sup>; a subsequent report will be due September 9<sup>th</sup> and the final report will be due October 9. The first phase will identify what groups are involved in trade and foreign affairs. We will also be meeting with those skeptical, opposed and naysayers. The second phase will clarify some options on ways to implement with or without seven Under Secretaries. During our time here, we will devote attention to these core concepts: maintaining an active listening mode; maintaining open dialogue; seeking to probe for unintended consequences; maintain confidentiality; reaching out to employees; quality communication; and *a seventh core concept was not captured*. **Kodat** expressed the Panel would be sensitive to everyone's insight. He asked if there were any questions, the response was met initially with silence. The Chief Human Capitol Officer **William "Billy" P. Milton, Jr.** thanked the NAPA Representatives for their visit and presentation to the Forum. **Knowles** made a final request for questions. The American Foreign Service Association Vice President **Dave Mergen** communicated his continued support for the effectuation of an Under Secretary for Trade and providing whatever information NAPA may need during their time here. **Kodat** indicated that NAPA does have a planned engagement of FAS on May 1, 2015. **Patrick Wicklund**, American Federal State, County, and Municipal Employees Local 3976 President offered his contact information to NAPA. **Nelson** asked that contact information be provided to him for follow-up meetings. **Knowles** indicated that we could pull something together, as needed, at a later date.

**Office of Operations Increased Security Measures & Customer Service, Conference, and Hoteling Center:** With no further comments or questions, **Knowles** introduced **Curtis Wilburn**, Director of Office of Operations. **Wilburn** noted that over the last three to four years we had to reduce the number of security guards. There has been a two million dollar increase in security related cost from 2013 to 2014. We simply cannot continue to operate as we have in the past. We have over 100 security guards to man posts. When it comes to security we are a Level IV Activity, but our security profile is insufficient. Our security cost becomes more significant each year. This has prompted us to review and redeploy our assets. We are very concerned about safety and security. We have opened Wing 4 and Wing 3 has been consigned to handle the flow of visitors. The USDA Complex is accessible to people on the National Mall; we are the People's Department and we take pride in that. In **Wilburn's** observations, he found it ironic that most of the foot traffic does not come from C Street but down Independence Avenue. Yet, we direct them to C Street for access. Also, he noticed that we have only one access point for the disabled; this is unacceptable. The National Federation of Federal Employee's **Melissa Baumann**, noted her frustration that no pre-decisional involvement (PDI) took place with the more recent communication of additional security measures. **Wilburn** acknowledged this was an oversight.

**Wicklund** pointed out this was an initiative they negotiated over, card readers in parking courts. He voiced concern for why the technology did not appear to be in use. **Wilburn** explained that the access protocols have not changed for the courts you are questioning. **Milton** chimed in that what he's hearing is that we have reduced security. **Wilburn** emphasized that there were a

number of people in carpool/vanpools that were not USDA employees, but they apparently are using our parking courts as a conduit to the other side of the USDA Complex. Talk about egress..., he noted. The reason why visitors are not permitted to leave from any point is to control access as well as egress. We no longer have the manpower to control all access points we once had. The USDA **Ketner** wanted to know if there is any difference between bicycle access and vanpool access. **Wilburn** noted that the 3<sup>rd</sup> Street Elevator is very inconvenient, though he understood the security aspect. **Wilburn** suggested that a review may be in order and if necessary that particular elevator can be designated as strictly a freight elevator. **Wilburn** continued by pointing out that the Security Guard force is now working twelve hour shifts; we cannot continue in this manner. A study is now underway to determine whether the USDA Complex can be remotely secured. After **Ketner** joked about obtaining a Segway Personal Transporter, a two wheeled device, he inquired as to when random searches can be expected to commence. **Wilburn** intimated that sometime within the next two to three months. He noted that it will concentrate less on the security threats external to USDA and more toward internal threats. He asked that any assistance that may be leveraged by Labor in communicating this to employees would be appreciated. The NFFE Forest Service Council President **Chris Berry** shared that we've prioritized communication in the Forest Service. We want to be more involved; our employees are adults and need to be treated as such...we want to be able to engage in PDI. **Wilburn** acknowledge **Berry's** request and ask for **Knowles's** assistance. **Milton** asked if **Wilburn** would be amenable to serving as a regular contributor to the USDA LMF. **Berry** wanted to know how their Union can engage in impact and implementation bargaining when their agency is not the entity implementing or controlling these additional security matters. **Milton** made it clear the Memo does not bar changes being made. The National Treasury Employees Union Chapter 226 President **Johanna Eckley** inquired as to whether all employees received the Memo. She explained that her office is in Alexandria Virginia and was unclear as to how it was disseminated to her office. **Wilburn** shared that it was communicate to a limited audience. In the midst of the exchange, **Wicklund** wanted to know if OO is reassigning staff resources, how will this change in July when there's no "piggybacking" for people just trying to get to the Metro Station. **Wilburn** noted this is a matter of security, and open access can no longer be accepted as the way we do business after what happened at the Naval Installation in Southwest and the earlier Museum shooting. **Berry** thanked **Wilburn** for his presentation and time. **Knowles** echoed **Berry's** appreciation and that his (**Knowles's**) office would choreograph with **Wilburn** regarding any pertinent follow up.

**2015 Federal Employee Viewpoint Survey:** There being no further questions, **Knowles** introduced Virtual University's Education and Training Specialist **Edwin Cierpial**. **Cierpial** began by sharing the OPM Federal Employee Viewpoint Survey (FEVS) will commence on April 27 through June 12, 2015. The USDA commencement date will run from May 4 through June 12, 2015, this gives us roughly six weeks to administer. The three questions that were suggested by Labor have been included in the FEVS. The survey will be conducted by individual email invite which cannot be shared with other employees. The survey is expected to take employees on average 25 minutes to complete. This is expected to be duty time. USDA had on the rolls as of October 31st 2014, 73,563 permanent and part-time permanent eligible employees for the survey, OPM will conduct a random sample of our employee population. OPM has notified us

that our random sample base will be 34,427 or roughly 44.1% of eligible employees. Before releasing any survey reports OPM has approximately 49,000 reports to create, review and ensure accuracy.

OPM will begin tentatively releasing reports in August 2015: to include sub-agency comparison reports, annual employee survey reports, and sub-agency breakout reports. The USDA Agency Management Report (AMR) is expected to be released in September 2015. As PM releases reports, OHRM will contact agency POCs to let them know when and the content of what is available. USDA's 2014 final adjusted response rate was 68.8%; which is 9.4% higher than 2013; and 22% higher than the 2014 Government-wide rate.

**Knowles** asked if there were any questions regarding **Cierpial's** presentation. **Milton** requested that Labor Representatives please encourage their bargaining units to complete the survey; since my presence here, Management has made great strides to engage and support the workforce. Case in point, - you are here today. The majority of our employees make great remarks regarding the work they perform. **Wicklund** chimed in noting that some employees are not captured by the survey, namely Schedule B employees. **Baumann** agreed as she pointed out the omission of some Forest Service employees. She expressed a desire to work with OPM to include such employees in future issuances of the FEVS. **Milton** acknowledged that he hears their concerns. **Baumann** went so far as to request who in OPM should be contacted to address this matter. Yet before the exchange had run its course, **Ketner** asked how much of the federal workforce would receive the survey. **Cierpial** responded, "44%." **Ketner** wanted to know how many prior to that; **Cierpial** responded, "36%." **Ketner** inquired why the participation rate could not have been greater. **Milton** and **Cierpial** responded that it is not controlled by USDA, OPM decides. **Milton** noted that OPM can develop separate surveys for Schedule As, Schedule Bs and part-time employees, but at an additional cost per agency or Department. Those surveys would not be government-wide. **Wicklund** noted that his agency developed a similar survey for their employees using Survey Monkey. **Baumann** suggested that we may take this concern up with the Forest Service. **Milton** pointed out that each agency's POC has the ability to review survey data up to the minute thanks to a new tool.

**Knowles** asked if there were any further questions or concerns; hearing none, the Forum took a short break.

**Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care:** Upon return from break, **Knowles** introduced the Human Resources Policy Director **Christine "Chris" Jones**. **Jones** noted the President issued a Memorandum (Memo) on January 15, 2014 expanding workplace flexibilities for employees experiencing childbirth, adopting a child or obtaining a child through foster care. The Memo removes from Management's discretion the ability to deny such leave requests. It does not matter whether the employees maintain sufficient leave balances. The Memo also required the OPM to develop guidance by April 15, 2015; it is available at: <http://www.chcoc.gov/files/handbook-on-leave-and-workplace-flexibilities-for-childbirth-adoption-and-foster-care.pdf>.

Further, OPM is requiring all agencies to ensure their leave policies are consistent with the President's Memo and reflect these flexibilities by June 15, 2015. **Knowles** asked if there were any questions; greeted by silence, the meeting proceeded.

**Transforming Hiring in USDA:** **Knowles** introduced the Strategic Human Resources Planning and Accountability Director **Allen Hatcher**. After greeting the Forum, **Hatcher** shared that in 2010, the President communicated a Presidential Memorandum – Improving the Federal Recruitment and Hiring Process to facilitate the removal of hiring barriers. He noted that among other things, USDA typically took 133 days to recruit under the old system. The new model developed by OPM implemented an 80 day hiring model. During the first year of implementation USDA made progress toward the 80 day timeframe and in the second year, achieved 80 days, but since then we have regressed. Thus, the present Memo by the Assistant Secretary for Administration **Dr. Gregory Parham** was issued with the intent of getting us back on track. Are there any questions; **Baumann** voiced that she is the one responsible for placing this on the agenda. She shared that the most significant concern is the 10 day time period is unrealistic because some of our workforce does not have access to a computer. **Hatcher** understood the concern; but interjected that we have been adhering to the 10 day model. However, the issue has been receiving over 600 applications. This greatly increased the traffic when you have such a large number of people applying for one or two positions. **Baumann** wanted to know how we ensure all employees are provided the opportunity to timely apply when advertisements are limited to 10 days and with the intent of reducing still further to five days. She questioned whether the policy applies to all announcements or only Merit announcements. **Hatcher** indicated that it applies to all announcements. **Baumann** questioned where an announcement is agency-wide how is the individual manager supposed to know. **Hatcher** responded there is no way that manager would know. **Baumann** indicated that is her point. The Marketing Regulatory Programs (MRP) Deputy Administrator for Management **Marilynn Holland** noted this is also a problem within MRP; and such discussions have been held with the responsible manager. We have been told that advertisement must be limited to 10 days. **Milton** asked if the FSC Collective Bargaining Agreement (CBA) provided 30 days. **Baumann** answered that it provides 21 days. **Milton** pointed out the Forest Service is currently in contract negotiations and the 80 day model has not impacted the FSC bargaining unit. Further, you need to ensure during the negotiations process how employees will be afforded opportunity to apply for positions. **Baumann** acknowledged she understood the point **Milton** was making, but she is afraid this will result in the evolution of a third system. In response, **Berry** expressed his concern over **Dr. Parham's** Memo not referencing the applicable provisions of any CBA. **Milton** reassured Labor that it was not the intent to alter any CBA. **Berry** wondered if the provisions that may provide for time in excess of 10 days would be subject to disapproval on agency head review. **Baumann** noted that they represent the interest of their Human Resources counterpart as well.

**Knowles** asked if there were any additional questions. **Ketner** questioned that instead of choosing between delegated examining or merit promotion, why not advertise using both methods. The Rural Development Deputy Administrator for Management **Edna Primrose** indicated their Human Resources is working with Management to determine when it makes



more sense to advertise for internal candidates from the available talent pool versus establishing an entry level position through delegated examining. **Hatcher** noted that USDA wasted over \$10 million annually by not using those certificates during the old period. **Baumann** wondered if you must use the certificates you are issued when filling a position. **Hatcher** noted that happened a lot, the question becomes whether the advertisement generates a certificate for the full performance level or an entry level certificate. Does it meet the specific need for which you are hiring? **Baumann** wanted to know that if it is an entry level position, would it be a 7/9/11/12. **Hatcher** affirmed that it may. You have to know the need. **Ketner** questioned how much can a manager do before being viewed as making a predetermined selection. **Hatcher** indicated that he wished the problem was that simple, but it is not. **Ketner** noted that all that aside it is still rough trying to submit a resume in five days. **Hatcher** acknowledged that sometimes it will seem that way, but timeframes can be adjusted.

**Public Service Recognition Week:** There being no further comments or questions, **Knowles** introduced the last agenda item and its presenter, Virtual University's Special Assistant **James Brent**. **Brent** drew the attention of everyone to the information provided in the flyer:

Designated by Congress and coordinated by the Public Employees Roundtable (PER), *Public Service Recognition Week* (PSRW) has been celebrated annually during the first week of May since 1985. PSRW is time set aside to honor the men and women who serve our nation as federal, state, county and local government employees. Throughout the country, mayors, governors, agency leaders, communities and public service organizations participate in PSRW by issuing proclamations, hosting award ceremonies and special tribute events, and delivering messages about the value of public service.

#### **PSRW 2015 THEME - "GOVERNMENT WORKS"**

Throughout PSRW, we will showcase the important contributions our nation's public servants deliver on our behalf each and every day. We encourage government leaders and public servants from all backgrounds to join us in telling these stories of how government works for the American people and about the types of work they do.

#### **2015 PSRW INITIATIVES**

- **Celebration Resources:** Find ideas and resources on how your agency or organization can participate in PSRW at [http://publicservicerecognitionweek.org/celebration\\_toolkit/](http://publicservicerecognitionweek.org/celebration_toolkit/).
- **Faces of Government:** Help us share positive stories of how government works by contributing profiles about government employees and their work and accomplishments. Visit: [http://publicservicerecognitionweek.org/celebration\\_toolkit/PSRW\\_Face\\_of\\_Govt\\_Guide.pdf](http://publicservicerecognitionweek.org/celebration_toolkit/PSRW_Face_of_Govt_Guide.pdf).
- **Public Service White Board:** Join our white board photo campaign on Facebook

and Instagram to proclaim “I ♥ public servants because...” or “I’m proud to serve because....” Visit:

[http://publicservicerecognitionweek.org/celebration\\_toolkit/PSRW\\_White\\_Board\\_Guide.pdf](http://publicservicerecognitionweek.org/celebration_toolkit/PSRW_White_Board_Guide.pdf)

➤ **Public Service 5K Run/Walk:** For supporters in the D.C. area, cap off PSRW by getting some exercise and raising funds for a good cause – the Federal Employee Education & Assistance Fund (FEEA). The race takes place on Sunday, **May 10 at 9:00 a.m. at Anacostia Park**. Visit: [www.publicservice5k.com](http://www.publicservice5k.com).

➤ **PSRW Thunderclap:** Sign up for the PSRW 2015 Thunderclap campaign where a few hundred supporters can spread a message of thanks to millions of social media followers. More information and a link will be posted soon on the PSRW website.

#### **NEED MORE INFORMATION?**

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Like us on Facebook (Public Employees Roundtable), follow us on Twitter (@PERoundtable) and Instagram (PERoundtable), and join the conversation using #PSRW.

**Brent** noted that these are events both Labor and Management should be promoting in support of all employees at all levels. He asked Labor about its efforts to promote Public Recognition Week. There was no response. **Knowles** shared that the National Council on Federal Labor-Management Relations has been trying to find ways to raise the accolades of federal employees, but was unable to locate the article prior to the meeting. **Brent** offered his assistance to the Forum if there is any way he may be able to assist the parties. He left his contact information as (202)720-8080 and his office location, 315-West.

**Open Microphone:** As there were no questions, **Knowles** moved on to Open Mic. He let everyone know he had two points he wanted to make, but he first offered **Ketner** the opportunity to address the room with any thoughts or points he would like to share. **Ketner** having no comment turned the room over to **Knowles**. **Knowles** informed the Forum that his first point concerns Acquisition 360. The Office of Procurement and Property Management is in the process of implementing a series of surveys supporting Acquisition Reform. The effort is mandated by the Executive Office of the President’s Office of Federal Procurement Policy and the Office of Management and Budget. It will be used to establish and identify best practices for acquisition reform within the Federal Government. The survey is voluntary and anonymous. It will be a series of surveys to principally contracting officers and like stakeholders, including private sector vendors.

His second point concerns the upcoming offer for PDI of the Controlled Unclassified Information Initiative to be led by the Office of the Chief Information Officer (OCIO). The initiative deals with the control and management of information that is sensitive but not classified. Once OCIO determines who will take the lead on this matter appropriate notice is expected to be generated to this body.



**Knowles** asked if anyone else in the room had anything they would like to share. **Milton** responded that Labor needs to be more proactive by participating in the workgroups/councils they have been offered; e.g., Employee Engagement, Transformation Diversity Council, Cultural Transformation Committee, Administrative Business Initiative Council and others. He noted that it is without excuse when you have the occasion to engage directly and do not take advantage of the opportunity. He also inquired of Labor as to how Management may be able to assist Labor in staying on top of initiatives with the recurring changeover in union leadership. **Wicklund** noted that in his agency Labor discussed inclusion in agency organizational charts; food for thought. **Milton** noted that developing organizational charts inclusive of labor organizations would be a challenge. **Knowles** noted that an agency could create an internal document. **Ketner** responded that for now you want to know who will represent Labor's interest in the Employee Engagement Committee, ABIC, and the others you mentioned. Once we are able to decide, we will let you know who the reps will be.

**Wrap Up and Confirmation of Meeting Dates:** **Knowles** informed the Forum the next meetings are tentatively scheduled for July 22, 2015 and October 21, 2015.

**Adjournment:** The meeting adjourned at approximately 3:10 p.m.